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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,313	09/11/2000	Beat Huber	L&L8293	2232
25944	7590	01/30/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			COLE, LAURA C	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/601,313

Applicant(s)

HUBER ET AL.

Examiner

Laura C Cole

Art Unit

1744

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, ~~the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

The status of the claim(s) is (~~or will be~~) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-10.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5.

does NOT place the application in condition for allowance because: See Final Rejection, Paper No. 16, 29 September 2003. In response to new arguments presented:

Page 2 Applicant reasserts that the limitation that the first and second molded parts "are firmly connected to one another by a shrink fit caused by the injection-molding operation" and that the parts "do not form a chemical bond during the injection-molding operation" and that these resultant structural features of Applicant's product-by-process claim must be given patentable weight. Examiner reasserts that Desimone recites all of the structure as claimed.

Page 3, Paragraphs 2-4 Applicant argues that "A compression fit is not the same structurally as a 'shrink fit'". As it is claimed, Claim 1 is a product-by-process claim requiring "the first and second molded parts are firmly connected to one another by a shrink fit." Desimone does exhibit first and second molded parts firmly connected (see above and Final Rejection, Paper No. 16). Applicant states that a "shrink fit" would require the molded parts to exert pressure on the other part due to different shrinking properties and that a compression fit (such as Desimone teaches) would require an opening to expand. The Examiner points out specifically in Desimone's explanation of "compression fit" Column 5 Lines 21-22 "that the insert walls frictionally engage the walls of the aperture". Since Applicant stated that in the shrink fit the "molded part to exert pressure to the other part" and Desimone requires that the "insert walls frictionally engage the walls of the aperture", any structural difference is not evident to the Examiner.

Page 3 Paragraph 5 and Page 4 Paragraph 1 Applicant argues that when read in light of the specification. Examiner reasserts the arguments made in the Final Rejection, Paper 16, Page 8 Paragraph "C". Pertaining to "shrinkage" see remarks above and in Paper 16 in response product-by-process claim 1.

Page 5 Paragraph 1 Applicant argues that Desimone requires a resilient material as the insert. The Examiner reasserts the statement made in Item "4" on Page 4 of Paper No. 16 that Desimone discloses that the insert may be fabricated from material that is compressible or non-compressible.

Page 5 Paragraph 2 Applicant brings to the Examiner's attention that Desimone does not make use of "a two-material joint partially encapsulated injection molding operation during which the two materials may fuse with one another during the molding process." Examiner disagrees the statement made in the second paragraph of Item 1 implies that Desimone is produced by the above-stated process. To better clarify for the Applicant, the second paragraph of Item 1 states that each part, the "head and handle" part and the insert part, are produced by injection molding. Therefore no bond is created.

Page 6 Paragraph 2 Applicant finds no basis in Desimone of two or more different plastic components. In the Applicant's specification Page 9 Lines 13-18 the Applicant displays a portion "42" of being a different component. As Examiner stated in Paper 16, the ribs "30" are a different "component." Nowhere in Applicant's specification or claimed is the components a "material component."

Pages 6 and 7 the Applicant argues that Leversby is silent as to whether the second material forms a chemical bond with the first material during injection molding. Examiner would like to further point out to the Applicant that the second material is fit tightly into the recesses provided in the body (Column 3 Lines 5-7), implying a physical bond rather than a chemical bond. Claim 8 provides only two method steps being "injection molding one of the two molder parts from a first plastic material in a first step and injection molding of the other of the two molded parts from a second plastic material."

Pages 7 and 8 the Applicant argues that Dair does not suggest using two materials that do not form a chemical bond with each other during injection molding. As stated in Paper No. 16 in Item 3, Dair does firmly connect portions by snap fit or interlocking portions. Again, what is claimed in Claim 8 are two injection molding steps, and that the negative limitation that the plastics do not form a chemical bond. The specific materials are not claimed.

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